



TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

BLPCT 6-2020
CHAPTER 833
MENTAL HEALTH REGULATORY AGENCY
OREGON BOARD OF LICENSED PROFESSIONAL COUNSELORS AND THERAPISTS

FILED
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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Compliance with the Governor's Executive Orders during a Governor declared emergency.

EFFECTIVE DATE: 10/02/2020 THROUGH 03/30/2021

AGENCY APPROVED DATE: 10/02/2020

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NEED FOR THE RULE(S):

This temporary rule is being adopted at the direction of the Governor's office.

JUSTIFICATION OF TEMPORARY FILING:

This rule is immediately needed to ensure compliance of Executive Orders that help keep Oregonians healthy and safe during a declared emergency. A failure to enforce compliance may adversely affect public health and safety.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

OAR Chapter 833 and ORS Chapter 675 are available on the OBLPCT website at <https://www.oregon.gov/OBLPCT/Pages/LawsRules.aspx>. Copies of the Executive Orders are available at <https://www.oregon.gov/gov/admin/Pages/executive-orders.aspx>. Copies of Oregon Health Authority Guidance are available at <https://govstatus.egov.com/OR-OHA-COVID-19>.

ADOPT: 833-110-0041

RULE TITLE: Compliance with Governor's Executive Orders

RULE SUMMARY: This new rule sets forth that failure to comply with any applicable provision of a Governor's Executive Order, including failure to comply with Oregon Health Authority guidance, constitutes gross negligence. Violations are subject to Board sanction.

RULE TEXT:

- (1) During a Governor declared emergency, gross negligence includes failing to comply with any applicable provision of a Governor's Executive Order or any provision of this rule.
- (2) Failing to comply as described in subsection (1) includes, but is not limited to:
 - (a) Engaging in the practice of a profession required by an Executive Order to be closed;
 - (b) Engaging in the practice of a profession required by an Executive Order to be closed;
 - (c) Failing to comply with the requirements of Oregon Health Authority (OHA) guidance implementing an Executive Order, including but not limited to:

- (A) Failing to screen clients in accordance with OHA guidance prior to providing services;
 - (B) Failing to limit the number of individuals inside the premises or implement other protocols necessary to maintain physical distancing of six (6) feet;
 - (C) Failing to implement OHA guidance on mask and face coverings; and
 - (D) Failing to clean and disinfect in accordance with OHA guidance.
- (d) Failing to comply with any requirements of a Board of Licensed Professional Counselors and Therapists guidance implementing an Executive Order.
- (3) No disciplinary action or penalty action shall be taken under this rule if the Executive Order alleged to have been violated is not in effect at the time of the alleged violation.
- (4) The Board may impose sanctions for violations of this rule in accordance with ORS 675.745.

Note: Copies of the Governor's Executive Orders are available at:

<https://www.oregon.gov/gov/admin/Pages/executive-orders.aspx>

Copies of Oregon Health Authority Guidance are available at: <https://govstatus.egov.com/OR-OHA-COVID-19>

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835 & 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.745; ORS 675.785